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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,633	04/02/2004	Stephen Marc Meer	34000/006	1049

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INTRADO INC.
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EXAMINER

CHAN, WING F

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,633

Applicant(s)

MEER ET AL.

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 10, 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As disclosed it is the "emergency services that comprises an ALI database, etc. (see [0046]) and the "resource" includes a response gateway. Therefore, the specification does not provide adequate written support for claims 10 and 24 as is claimed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-7, 9-13, 15-21, 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gentillin et al (US PAT. NO. 6,600,812 filed May 2, 2000 hereinafter Gentillin).

Gentillin discloses a method and a communication network for providing emergency services comprising an emergency services network (e.g. see Fig. 4, the network shown from 100-300 excluding the PSAP 110), the emergency services network comprising a plurality of emergency services (e.g. 3rd party data 300a, 300b; notification 400, on-scene access 310) and a plurality of resource (e.g. gateway 200, 100), a plurality of conforming emergency systems (e.g. PSAP 110) connected to a packet network 440 for establishing a media channel with the resource to transmit a retrieval key (identifier) to the resource, the resource using the retrieval key to retrieval additional information and transmit the additional information to the PSAP (e.g. see steps in Fig. 1). See all figures, col. 3 line 20 to co. 7 line 67.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8, 14, 22, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentillin.

As to claims 14, 28, although Gentillin only discloses receiving one emergency event from the CES, it is old and well known in the art that a PSAP (CES) receives more than one call at a time, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that Gentillin's system is able to receive more than one emergency event as claimed in order to handle multiple emergency event calls.

As to claims 8, 22, to modify Gentillin to comprise the various CES as claimed would have been obvious to one of ordinary skill in the art at the time the invention was made since they all provide emergency response services.

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

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F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-74 of copending Application No. 10/813,613. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claims are broader version of the copending claims and are directed to a communication network for providing emergency services.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

For example take claim 1 of the present application and the copending application.

Present claim 1	Claim 1 in 10/816,613
A communication network for providing emergency services, the communication network comprising:	A communication network for providing emergency services, the communication network comprising:
an emergency services network comprising a resource connected to a plurality of emergency	an emergency services network connected to a packet network, the emergency services network comprising: a plurality of

services; and a conforming emergency system (CES) connected to the resource of the emergency services network by a media channel, the CES, responsive to an emergency event, transmits an emergency event message to the resource, where the emergency event message includes a retrieval key;	emergency services, and a plurality of response gateways connected to the emergency services; and a plurality of conforming emergency systems connected to the packet network, each of the conforming emergency systems facilitates the establishment of a media channel with one of the response gateways, wherein a conforming emergency system (CES), responsive to establishing a media channel with one of the response gateways over the packet network and responsive to an emergency event, transmits a retrieval key over the media channel to the one response gateway;
the resource receives the retrieval key in the emergency event message, initiates an emergency event session corresponding with the retrieval key, and transmits multiple responses to the CES during the emergency event session responsive to the emergency event message.	the one response gateway, responsive to receiving the retrieval key from the CES, transmits queries for information corresponding with the retrieval key, receives the information originating from the emergency services corresponding with the retrieval key, and transmits the information over the media channel to the CES to facilitate the CES in handling an emergency event.

As disclosed in the present application, the resource can be a response gateway, the network can be packet network. And as seen from the above comparison the present claim 1 is a broader and obvious version of the copending claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT. NOS. 6,771,742; 6,604,722.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wing F. Chan
Primary Examiner
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11/23/05